

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

Cr. No. H-20-501

JUSTIN MOUTON

DEFENDANT’S MOTION FOR EMERGENCY STATUS CONFERENCE

The Federal Public Defender, counsel for the defendant, Justin Mouton, respectfully requests that the Court set a status conference as soon as practicable to determine whether Mr. Mouton’s continued confinement comports with his rights under the Due Process Clause of the Fifth Amendment and the Speedy Trial Act.

I. Procedural History.

Mr. Mouton relates only the most recent proceedings which are relevant to the current issue.

On March 22, 2023, the Court entered an Order concluding that delay in § 4241(d) proceedings violated “fundamental Due Process principles.” The Court further ordered that it would hold “weekly in-person status hearings . . . until the BOP has allocated resources to ensure that Mouton is hospitalized at an appropriate facility. A senior BOP official shall appear at each such hearing to report on BOP’s progress in securing an appropriate placement.”

On March 31, 2023, the Court entered an order stating: “The Court has been informed that Mr. Mouton will be transferred to USMCFP Springfield on April 7, 2023, to begin receiving competency restoration services.” In light of this expected transfer, the Court set a telephonic status conference for April 3, 2023, and has held no additional status conferences.

Today, undersigned counsel learned that Mr. Mouton has still not been transferred to USMCFP Springfield or to any other appropriate facility. While Mr. Mouton was indeed transferred away from the Joe Corley Detention Facility in Conroe, Texas on April 7, he is currently at the Grady County Jail in Oklahoma. Per a deputy in the office of the U.S. Marshal, Mr. Mouton will remain at this new local facility until a bed is available at USMCFP Springfield, which is not expected until May 18 or 20.

II. Request.

Mr. Mouton respectfully requests that the Court set an in-person status conference as soon as practicable so that an appropriate Government official can explain why Mr. Mouton has not yet been transferred to USMCFP Springfield and whether, in the interim, he is receiving appropriate – or any – mental health treatment.

MARJORIE A. MEYERS
Federal Public Defender
Southern District of Texas
Southern District of Texas No. 3233
Texas State Bar No. 14003750

By: /s/ Philip G. Gallagher
PHILIP G. GALLAGHER
Assistant Federal Public Defender
New Jersey State Bar ID No. 2320341
Southern District of Texas No. 566458
440 Louisiana, Suite 1350
Houston, Texas 77002
Telephone: 713.718.4600
Fax: 713.718.4610

CERTIFICATE OF CONFERENCE

I certify that AUSA John Lewis advised that the Government does not oppose
Mr. Mouton's request for a status conference.

/s/ Philip G. Gallagher
PHILIP G. GALLAGHER

CERTIFICATE OF SERVICE

I certify that on April 20, 2023, a copy of the foregoing was served upon all
counsel of record.

/s/ Philip G. Gallagher
PHILIP G. GALLAGHER